

Martin, Molly

From: Scott Valor <scottvalor@hotmail.com>
Sent: Wednesday, September 03, 2014 1:22 PM
To: Martin, Molly; Tom Ford
Cc: Heather Burdick
Subject: Re: SHOULD WE ACT HERE? - Fw: Failure to Provide Public Records Requested by the Sierra Club June 19, 2014

Thank you so much Molly. This is important that you are doing this for us for a couple of reasons:

1. Your status. EPA, as a federal agency, carries more immediate clout with certain people than a small local/state agency. Also because you oversee us, you are acting in that capacity.
2. A new approach. The fact that you are involved raises the level of concern as we have been doing all the lifting ourselves for four years. I think your agency adds a lot of credibility to our claims that this continued activity of John Davis is a waste of public resources.

I will send you separately an email exchange from a few years back between Davis and the SWRCB deputy chief counsel (second in command) where counsel refutes Davis's claims about how we are not operating correctly. It sets the table to prove that he simply refuses to listen because he is repeating the same claims that were dismissed legally years back.

Thanx again!

From: [Martin, Molly](#)
Sent: Wednesday, September 03, 2014 12:34
To: [Scott Valor](#) ; [Tom Ford](#)
Cc: [Heather Burdick](#)
Subject: RE: SHOULD WE ACT HERE? - Fw: Failure to Provide Public Records Requested by the Sierra Club June 19, 2014

Hi all,

I just got off the phone with George Watland, Senior Chapter Director for the Angeles Chapter. As I may have mentioned before, upon first contact he stated that if John Davis was using the Sierra Club name then he was presumably speaking on behalf of the Airport Marina Group as his concerns had not yet been raised to the chapter level. George said that while John is not alone in his feelings it is still unclear to him (George) if John's and his group's views actually represent the entire Airport Marina Group- which is about 1400 if my memory serves me from a previous discussion.

I also informed him about the numerous PRA requests he has submitted on behalf of the Sierra Club and that although they are provided to him on time and in legal accordance, he chooses not to acknowledge them. George did not recall if this issue has come up but made note and I wanted him to have that information in case John Davis had or in the future reported to George or others that SMBRC has not been responsive during any future discussions. He stated the same concern applies here about whether John represents the broader group.

His next steps are to determine if John Davis is accurately representing the group, presumably on both fronts, the records requests and EPA correspondence. Then he will circle back to me.

George is a very pleasant person and I think he is in a good position to mediate and will hopefully bring some resolve here. He also appreciates being kept in the loop on this. At this time I do not think it is necessary for you to contact him directly, although it may be appropriate in the future.

Thanks for the talking points Scott. It was nice to have them in front of me.

Molly Martin

Coastal Watershed Coordinator
U.S. EPA, Region 9



United States Environmental Protection Agency

75 Hawthorne Street,
San Francisco, CA 94105
tel: (415) 972-3403
fax: (415) 947-3537
E-mail: Martin.Molly@epa.gov

From: Scott Valor [mailto:scottvalor@hotmail.com]
Sent: Wednesday, September 03, 2014 8:55 AM
To: Martin, Molly; Tom Ford
Cc: Heather Burdick
Subject: Re: SHOULD WE ACT HERE? - Fw: Failure to Provide Public Records Requested by the Sierra Club June 19, 2014

Here are a few talking points for purposes of that discussion. We can then discuss potential future action after you and George talk:

1. We are required by law to respond to Public Records Act requests and we do so on a regular basis. We receive them frequently from various individuals and organizations, including John Davis.
2. The SMBRC has a designated individual, Scott Valor, who is its Director of Government Affairs, assigned to respond to these requests.
3. Scott Valor is a consultant to the SMBRC. Because of this, John Davis has decided, on his own accord, that Scott Valor is "not authorized" to perform this task on behalf of the SMBRC
4. Since 2010, State Water Resources Control Board legal counsel, which is the legal counsel for the SMBRC, has repeatedly told John Davis that this is indeed a lawful and appropriate arrangement and that Scott Valor is authorized to perform this task, among others.
5. John Davis, apparently acting without any legal advice or other legal background, refuses to accept this, taking steps to attempt to block emails or other responses from Scott Valor who is required by law to respond to the Public Records Act requests in a timely fashion
6. To date, ALL of John Davis's Public Records Act requests have been responded to in a timely fashion by Scott Valor, however, John Davis acts as if they have not been responded to, refusing to acknowledge that the requests have been fulfilled, despite State Water Board legal counsel confirming the contrary to him.

7. John Davis's actions have been performed under the guise of representing the Sierra Club in the past year.

8. While the SMBRC encourages the lawful use of tools such as the Public Records Act by citizens and intends to continue to fully abide by that law's directives, we do not believe it is in the best interest of the public and, indeed it is a waste of public resources, to continually be forced to address the non-substantive "legal" issues raised by John Davis.

9. We believe this reflects poorly on a well-known organization with a good reputation in the community such as the Sierra Club to allow an individual to carry on in this way using its name.

10. We have numerous examples of attempts to communicate this to John Davis, but he continues to repeat the same fallacious arguments and to act in this way, despite better advice to the contrary.

From: [Martin, Molly](#)

Sent: Wednesday, September 03, 2014 07:47

To: [Tom Ford](#) ; [Scott Valor](#)

Cc: [Heather Burdick](#)

Subject: RE: SHOULD WE ACT HERE? - Fw: Failure to Provide Public Records Requested by the Sierra Club June 19, 2014

I am happy to talk as well. I plan on following up with George by phone this week. I may mention this issue as well if it seems appropriate. Perhaps we can touch base after I have that conversation.

Molly Martin

Coastal Watershed Coordinator

U.S. EPA, Region 9



United States Environmental Protection Agency

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E-mail: Martin.Molly@epa.gov

From: Tom Ford [<mailto:tford@santamonicabay.org>]

Sent: Wednesday, September 03, 2014 6:56 AM

To: Scott Valor; Martin, Molly

Cc: Heather Burdick

Subject: RE: SHOULD WE ACT HERE? - Fw: Failure to Provide Public Records Requested by the Sierra Club June 19, 2014

More than happy to hop on the phone to discuss.

From: Scott Valor <scottvalor@hotmail.com>

Sent: Tuesday, September 2, 2014 2:32 PM

To: Molly Martin

Cc: Tom Ford; Heather Burdick

Subject: SHOULD WE ACT HERE? - Fw: Failure to Provide Public Records Requested by the Sierra Club June 19, 2014

Molly & Tom:

What do you think about us contacting the same person at Sierra Club that EPA is currently contacting about Davis's repeated phone calls despite EPA being "assured" that their issues are resolved?

What you see below is a Groundhog Day repeat by Davis to SWRCB attorneys—he refuses to "accept" responses to the Public Records Act requests from SMBRC's designated agent to do so (me), despite all the way back in 2010 up to now SWRCB legal telling him that our system is valid and proper.

He indirectly acknowledges that he received my timely response (he did and legal & I confirmed it), but refuses to accept it as a legitimate response. Sadly, we are required by law to respond, yet when we do, the responses are rejected.

Perhaps Sierra Club would like to know that this nonsense is being carried out under their name? Molly is this something you could bring up to that person, or perhaps refer us to him to further highlight the misrepresentations of John Davis under their name?

Just a thought. Frances agrees with me (she's SWRCB legal for us) and suggested that I talk with you.

Scott

From: <mailto:Frances.McChesney@waterboards.ca.gov>
Sent: Tuesday, September 02, 2014 12:40
To: svalor@santamonicabay.org
Subject: FW: Failure to Provide Public Records Requested by the Sierra Club June 19, 2014

fyi

Frances L. McChesney, Attorney IV
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento, CA 95814-2828
Phone: 916.341.5174
Fax: 916.341.5199
Email: frances.mcchesney@waterboards.ca.gov

From: jd@johnanthonydavis.com [<mailto:jd@johnanthonydavis.com>]
Sent: Tuesday, September 02, 2014 12:36 PM
To: Wang, Guangyu@Waterboards
Cc: Wyels, Philip@Waterboards; McChesney, Frances@Waterboards
Subject: Failure to Provide Public Records Requested by the Sierra Club June 19, 2014

California State Water boards
Santa Monica Bay Restoration Commission

Att: G. Wang
Att: P. Wyels
Att: F. McChesney

This email memorializes the fact that the request for public records made on June 19, 2014 has not been provided by the State as of today.

It further emphasizes that a member of the public purported to provide the requested records of the State of California.

As attorneys of the State of California, Philip Wyels and Frances McChesney have responded that Scott Valor, a member of the public, who is not an employee of the State of California, will provide records of the State on behalf of the State to members of the public seeking records of the Santa Monica Bay Restoration Commission under the California Public Records Act.

Furthermore, the Santa Monica Bay Restoration Commission is an independent State Agency created within the State Water Boards. The agency is required to comply with the State Records Management Act and provide a records retention schedule with the State Archives under the Secretary of State. This duty does not rest with the State Water Boards. SMRBC is an independent agency.

Mr. Wyles and Ms. McChesney have referred to Mr. Valor as the "Government Relations Officer" of the SMRBC, insisting to the public he is empowered by law to respond to requests for public records pursuant to the California Public Records Act.

However, there is no record of a job or duty description associated with that title maintained by the State. Mr. Valor has never been appointed to this station by the State nor has he filed a form 700 financial disclosure with the State of California Fair Political Practices Commission.

Legislation creating the SMRBC specifies that administrative services shall be provided by the State Water boards.

Here, this administrative service of responding to record requests by the public is not being provided by the State itself, but by a member of the public with the encouragement of the aforesaid State Attorneys.

Please respond to the request for public [records.It](#) has been well over two months with no response, whatsoever.

We would like to review the original records and will make copies if necessary after conducting the review in the offices of the Santa Monica Bay Restoration Commission.

On behalf of the Sierra Club,
Member Airport Marina Regional Group Management Committee, Angeles Chapter

John Davis
PO 10152
Marina del Rey Ca. 90295

----- Original Message -----

Subject: Request for Public Records from the Sierra Club

From: <jd@johnanthonydavis.com>

Date: Thu, June 19, 2014 3:51 pm

To: "Guangyu Wang" <GWANG@waterboards.ca.gov>

Cc: "Philip Wyels" <pwyls@waterboards.ca.gov>, "Frances@Waterboards
McChesney" <Frances.McChesney@waterboards.ca.gov>

SMRBC

Att: G. Wang

Cc: F. McChesney

Cc: P. Wyels

This is a request for public records pursuant to the California Public Records Act. Please provide the following

records;

1. Staff Report for Item 3.b of the June 19, 2014 meeting of the Governing Board.
2. Staff Report for Item 3.e of the June 19, 2014 meeting of the Governing Board.
3. Any records regarding the procedure(s) employed to consider ratification of SMRBC Executive Director for Item 3.b of the June 19, 2014 meeting of the Governing Board.

Thank you,

On behalf of the Sierra Club

John Davis
PO 10152
Marina del Rey Ca.

NOTE: This email address will not accept any emails from a private business using the @santamonicabay.org e;mail extension. It will accept .gov emails.